

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v
JOSHUA AYALA-LUGO,
Defendant.

CRIMINAL NO. 17-594 (FAB)

**MOTION TO CONSOLIDATE WITH REVOCATION PROCEEDING IN
CRIMINAL CASE NO. 07-453 (PAD) FOR SENTENCING PURPOSES**

**TO THE HONORABLE FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO**

COMES NOW the defendant, Joshua Ayala-Lugo, represented by the Federal Public Defender for the District of Puerto Rico through the undersigned attorney, and very respectfully states and prays as follows:

1. On November 16, 2017, Mr. Ayala-Lugo was indicted on charges for violation to Title 18 U.S. C. section 922(g)(1). Mr. Ayala-Lugo was on supervised release for case 07-453 (PAD) after being convicted and sentenced in a multi-defendant conspiracy to possess with intent to distribute controlled substance in Juana Matos Public Housing Project in the Municipality of Bayamon.
2. Undersigned has been appointed both of Mr. Ayala-Lugo's cases. After careful evaluation and discussion of the discovery provided by the government, as well as a thorough assessment of all the factors pertinent to Mr. Ayala-Lugo pled guilty (pursuant to a straight plea) in the instant case. The Presentence Investigation Report has already been filed (Docket No. 38) and the sentencing hearing has been scheduled (Docket No. 49). The *Informative Motion Notifying Violations of Supervised Release*, (Docket No. 3090 in Criminal Case 07-453 (PAD)) filed by USPO Sherley Aponte, stems exclusively from the new criminal conduct, as no other violations to the conditions of supervised release are alleged.

3. In the spirit of judicial economy, Mr. Ayala-Lugo respectfully requests that, pursuant to Rule 8(a) of the Federal Rules of Criminal Procedure and Local Rule 42 of the District of Puerto Rico, the new criminal case (17-594 (FAB)) and his revocation of supervised release case (07-453(PAD)) be consolidated for sentencing purposes before this Honorable Court.
4. Concomitant to the filing of the present motion, Mr. Ayala-Lugo filed same petition in Criminal Case 07-453(PAD) requesting his final revocation hearing and his new criminal case No. 17-594 (FAB) be consolidated for sentencing purposes.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the present motion and order the consolidation of Mr. Ayala-Lugo's final revocation hearing in case 07-453(FAB) with the new criminal conduct in in case 17-594 (FAB) for sentencing purposes before this Honorable Court.

I HEREBY CERTIFY that on this date I electronically filed the present motion with the Clerk of Court using the CM/ECF system which will send electronic notification of said filing to all parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, July 3, 2018.

ERIC A. VOS, ESQ.
Federal Public Defender
District of Puerto Rico

S/Isabelle C. Oria-Calaf
ISABELLE C. ORIA-CALAF
USDC-PR 226905
A.F.P.D. for Defendant
241 Franklin D. Roosevelt Avenue
Hato Rey, PR 00918-2441
Tel. (787) 281-4922 / Fax (787) 281-4899
E-mail : Isabelle.Oria@fp.org